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**HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE G.BHAVANI PRASAD**

WRIT PETITION NO:22713 of 2007

DATED: 29-10-2007

Between:

Y.Ramesh Kumar

..... PETITIONER

AND

The Government of Andhra Pradesh, rep.by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad and another

.....RESPONDENTS

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ORDER:(per Hon'ble Sri Justice B.Prakash Rao)

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Heard the learned counsel for the petitioner and also the
learned Government Pleader for Assignments who has taken notice
on behalf of the respondents.

The petitioner herein files this writ petition *inter alia* seeking to
assail the notice purported to have been issued under Section 7 of
A.P. Land Encroachment Act, 1905 (for brevity 'the Act'), vide Case

No.B/167/97. The main ground urged on behalf of the petitioner is to the effect that in regard to the very same land the compliance case is already pending in L.G.C.No.167 of 1997 on the file of the Special Court, Hyderabad, though the petitioner is not made as a party. Therefore, the entire proceedings initiated seeking eviction under the provisions of the aforesaid Act is only unsustainable.

Having heard the learned counsel and on perusal of the material on record, admittedly, the petitioner is not a party to the LGC and the present writ petition is only against issuance of notice under Section 7 of the Act, where the petitioner has got liberty to file a detailed explanation which can be considered and then only final orders will be passed under the said Act. Even otherwise, the petitioner has got other remedies. Be that as it may, having regard to the compliance case in L.G.C.No.167 of 1997 which is pending the petitioner can as well be impleaded in the said proceedings and also seek such necessary further interim orders for necessary protection or otherwise. However, this Court cannot go into the validity of the claim of the petitioner nor even the correctness of the proceedings initiated as such by the respondents under the Act.

Leaving it open for both sides to raise all their claims and objections in this regard in respect of the property claimed by the petitioner and also with a further liberty to the petitioner to approach the Special Court in the aforesaid LGC for impleading and also to take further orders which will be considered and disposed of in accordance with law.

We do not find any merits in the above writ petition and the same is accordingly dismissed. No costs.

B.PRAKASH RAO, J

G.BHAVANI PRASAD, J

29th October, 2007
SKM